

REMARKS

Claims 19-38 are pending in this application. By this amendment, the Applicant has canceled claims 1-18 without prejudice, and added claims 19-38. Applicant respectfully submits that claims 19-38 do not contain new matter, and that the invention, as defined by claims 19-38, is patentable over the prior art.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 35 U.S.C. §112 REJECTIONS AND “FORMAL” MATTERS:

The Examiner asserts that claims 1 and 9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, at page 4 of the Office Action, mailed February 11, 2009, the Examiner stated: “There are two different ‘products’ or ‘services’ being claimed. One from a first website and one from a second website”.

As noted above, Applicant has canceled claims 1-18 so as to overcome the 35 U.S.C. §112 rejections. In view of the foregoing, Applicant respectfully requests that the Examiner’s 35 U.S.C. §112 rejection of claims 1 and 19 be withdrawn,

II. THE 35 U.S.C. §101 REJECTIONS:

The Examiner asserts that claims 9-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As noted above, Applicant has

canceled claims 9-18 so as to overcome the 35 U.S.C. §101 rejections. In view of the foregoing, Applicant respectfully requests that the Examiner's 35 U.S.C. §101 rejection of claims 9-18 be withdrawn.

III. THE 35 U.S.C. §102 REJECTIONS:

The Examiner asserts that claims 1-6, 9-14, 17 and 18 are anticipated by Callaghan, et al., U.S. Patent No. 7,304,402 (Callaghan). As noted above, Applicant has canceled claims 1-18 so as to overcome the 35 U.S.C. §102 rejections. In view of the foregoing, Applicant respectfully requests that the Examiner's 35 U.S.C. §102 rejection of claims 1-6, 9-14, 17 and 18 be withdrawn.

IV. THE 35 U.S.C. §103 REJECTIONS:

The Examiner asserts that claims 7, 8, 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Callaghan, in view of Applicant's Admitted Prior Art (APA).

As noted above, Applicant has canceled claims 1-18 and added claims 19-38 so as to more clearly distinguish the invention, as defined by such claims, over the prior art. Applicant therefore respectfully submits that the invention, as claimed in claims 19-38, is patentable over the known prior art.

Applicant submits that support for the limitations in independent claims 19, 29, and 37 may be found in the specification at page 7, line 2-8; page 7, line 18-28. Applicant respectfully submits that Callaghan, APA, and any combination thereof, do not disclose, teach, or suggest,

redirecting a user from the second website, comprising “redirecting the user from the second web site to the first web site if it is determined that the user has previously purchased or acquired the first product or the first service or providing an offer from the second web site to sell the second product or the second service to the user if it is determined that the user has not previously purchased or acquired the first product or the first service and that the user has not previously purchased or acquired the second product or the second service”, all of which are specifically recited features of independent claim 19.

Applicant further submits that the invention, as defined by independent claim 19, is patentable over Callaghan, APA, and any combination of same. That is Callaghan, APA, and any combination of same, do not disclose, teach, or suggest, a method, comprising “processing or storing information regarding a purchase or an acquisition of a first product or a first service by a user, wherein the information regarding the purchase or the acquisition is processed by or stored by a first processor associated with a first web site, and wherein the purchase or the acquisition of the first product or the first service is made in response to an offer associated with the first web site, and further wherein the purchase or the acquisition of the first product or the first service is performed by the user via a computer associated with or used by the user”, “placing a cookie on the computer, wherein the cookie is placed on the computer by the first web site or by the first processor, and further wherein the cookie contains information regarding the first web site and information indicating that the user has purchased or acquired the first product or the first service from or via the first web site”, “providing a uniform resource locator (URL) offering a second product or a second service, wherein the URL is provided by a second web site or by a second processor associated with the second web site, and further wherein the URL specifies a program on or associated with the second web site”, “receiving a signal indicative of

an activation of the URL”, “reading or processing information contained in the cookie in response to the activation of the URL, wherein the information contained in the cookie is read or processed using the program”, “determining whether or not the user has previously purchased or acquired the first product or the first service or determining whether or not the user has previously purchased or acquired the second product or the second service”, and “redirecting the user from the second web site to the first web site if it is determined that the user has previously purchased or acquired the first product or the first service or providing an offer from the second web site to sell the second product or the second service to the user if it is determined that the user has not previously purchased or acquired the first product or the first service and that the user has not previously purchased or acquired the second product or the second service”, all of which are specifically recited features of independent claim 19.

In view of the foregoing, Applicant respectfully submits that Callaghan, APA, and any combination of same, do not disclose, teach, or suggest, all of the specifically recited features of independent claim 19, and, therefore, Applicant respectfully submits that the invention, as defined by independent claim 19, is patentable over Callaghan, APA, and any combination of same.

Applicant further submits that claims 20-28, which claims depend either directly or indirectly from independent claim 19, so as to include all of the limitations of independent claim 19, are also patentable over the prior art as the aforementioned claims 20-28 depend from allowable subject matter.

Further, Applicant respectfully submits that Callaghan, APA, and any combination thereof, do not disclose, teach, or suggest, redirecting a user from the second website comprising “wherein the second processor or the second web site redirects the user from the second web site

to the first web site if the second processor or the second web site determines that the user has previously purchased or acquired the first product or the first service, or the second web site provides an offer to sell the second product or the second service to the user if the second processor or the second web site determines that the user has not previously purchased or acquired the first product or the first service and that the user has not previously purchased or acquired the second product or the second service”, all of which are specifically recited features of independent claim 29.

Applicant further submits that the invention, as defined by independent claim 29, is patentable over Callaghan, APA, and any combination of same. That is Callaghan, APA, and any combination of same, do not disclose, teach, or suggest, a system, comprising “a first processor associated with a first web site”, “a second processor associated with a second web site”, “a computer associated with a user”, “wherein the first processor processes or stores information regarding a purchase or an acquisition of a first product or a first service by a user”, “wherein the purchase or the acquisition of the first product or the first service is made in response to an offer associated with the first web site”, “wherein the purchase or the acquisition of the first product or the first service is performed by the user via the computer”, “wherein the first web site or the first processor places a cookie on the computer”, “wherein the cookie contains information regarding the first web site and information indicating that the user has purchased or acquired the first product or the first service from or via the first web site”, “wherein the second web site or the second processor provides a uniform resource locator (URL) offering a second product or a second service”, “wherein the URL specifies a program on or associated with the second web site”, “wherein the second web site or the second processor receives a signal indicative of an activation of the URL”, “wherein the second processor reads or

processes information contained in the cookie in response to the activation of the URL using the program”, “wherein the second processor determines whether or not the user has previously purchased or acquired the first product or the first service or determines whether or not the user has previously purchased or acquired the second product or the second service”, and “wherein the second processor or the second web site redirects the user from the second web site to the first web site if the second processor or the second web site determines that the user has previously purchased or acquired the first product or the first service, or the second web site provides an offer to sell the second product or the second service to the user if the second processor or the second web site determines that the user has not previously purchased or acquired the first product or the first service and that the user has not previously purchased or acquired the second product or the second service”, all of which are specifically recited features of independent claim 29.

In view of the foregoing, Applicant respectfully submits that Callaghan, APA, and any combination of same, do not disclose, teach, or suggest, all of the specifically recited features of independent claim 29, and, therefore, Applicant respectfully submits that the invention, as defined by independent claim 29, is patentable over Callaghan, APA, and any combination of same.

Applicant further submits that claims 30-36, which claims depend either directly or indirectly from independent claim 29, so as to include all of the limitations of independent claim 29, are also patentable over the prior art as the aforementioned claims 30-36 depend from allowable subject matter.

Next, Applicant respectfully submits that Callaghan, APA, and any combination thereof, do not disclose, teach, or suggest, redirecting a user from the second website, comprising

“redirecting the user from the second web site to the first web site if it is determined that the user has previously purchased or acquired the first product or the first service or providing an offer to sell the second product or the second service to the user if it is determined that the user has not previously purchased or acquired the first product or the first service and that the user has not previously purchased or acquired the second product or the second service”, all of which are specifically recited features of independent claim 37.

Applicant respectfully submits that the invention, as defined by independent claim 37, is patentable over Callaghan, APA, and any combination thereof. That is Callaghan, APA, and any combination of same, do not disclose, teach, or suggest, a method comprising “processing or storing information regarding a purchase or an acquisition of a first product or a first service by a user“, “wherein the information regarding the purchase or the acquisition is processed or stored by a first processor associated with a first web site“, “wherein the purchase or the acquisition of the first product or the first service is made in response to an offer associated with the first web site“, “wherein the purchase or the acquisition of the first product or the first service is performed by the user via a computer associated with or used by the user“, “placing a cookie on the computer, wherein the cookie is placed on the computer by the first web site or by the first processor“, “wherein the cookie contains information regarding the first web site and information indicating that the user has purchased or acquired the first product or the first service from or via the first web site“, “computer readable program code means for causing the computer to send an e-mail including a link to said URL to the user“, “providing a uniform resource locator (URL) offering a second product or a second service“, “wherein the URL is provided by a second web site or by a second processor associated with the second web site“, “wherein the a link to the URL is provided in an e-mail, in a web page, or in a first program“, “wherein the URL

specifies a second program on or associated with the second web site“, “receiving a signal indicative of an activation of the URL”, “reading or processing information contained in the cookie in response to the activation of the URL“ “wherein the information contained in the cookie is read or processed using the second program”, “determining whether or not the user has previously purchased or acquired the first product or the first service or determining whether or not the user has previously purchased or acquired the second product or the second service”, and “redirecting the user from the second web site to the first web site if it is determined that the user has previously purchased or acquired the first product or the first service or providing an offer to sell the second product or the second service to the user if it is determined that the user has not previously purchased or acquired the first product or the first service and that the user has not previously purchased or acquired the second product or the second service”, all of which are specifically recited features of independent claim 37.

In view of the foregoing, Applicant respectfully submits that Callaghan, APA, and any combination thereof, do not disclose, teach, or suggest, all of the specifically recited features of independent claim 37, and, therefore, Applicant respectfully submits that the invention, as defined by independent claim 37, is patentable over Callaghan, APA, and any combination of same.

Applicant further submits that claim 38, which claims depend either directly or indirectly from independent claim 37, so as to include all of the limitations of independent claim 37, is also patentable over the prior art as the aforementioned claim 37 depends from allowable subject matter.

V. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending claims 19-38 is, therefore, respectfully requested.

Respectfully submitted,

Date:

6/4/09



Joe H. Shallenburger
Reg. No. 37,937
Ward & Olivo
382 Springfield Avenue
Summit, New Jersey 07901
(908) 277-3333